

Appl. No. 10/639,928  
Amdt. dated November 8, 2004  
Reply to Office action of August 10, 2004

Docket No. 59552-010400

### AMENDMENT TO THE CLAIMS

**Claim 1 (currently amended):** A rate of spread tool comprising:

a geometric plotting element; and

at least one type of rate of spread scale, selectively being at least one of an historical time and real time, related on the surface of the element,

wherein, in use, the tool is oriented so that the text on the tool is readable for a moving fire depicted on a map.

**Claim 2 (previously presented):** A tool as claimed in claim 1 wherein the geometrical plotting element is a triangular shaped element and is dimensioned to be about 21" long and about 10 1/4" wide at its base.

**Claim 3 (previously presented):** A tool as claimed in claim 1 wherein the historical rate of spread scale is based upon previous large -scale brushfires, and the real time scale utilizes GPS technology.

**Claim 4 (previously presented):** A tool as claimed in claim 3 wherein the historical rate of spread scale is designed to address two brush fire environments, the environments being a brush fire occurring under Red Flag conditions and a brush fire occurring under Non-Red Flag conditions.

**Claim 5 (previously presented):** A tool as claimed in claim 4 wherein the Red Flag and Non-Red Flag conditions are marked by indicators, the indicators being placed at selected time intervals, selectively at about 30-minute apart time zones.

**Claim 6 (previously presented):** A tool as claimed in claim 5 wherein the delineation of 30-minute projections of fire spread is effected by dividing the triangular shape into three 30-minute times zones.

**Claim 7 (previously presented):** A tool as claimed in claim 1 wherein, in use, the tool is oriented so that text on the tool is readable for a fire moving transversely on a north oriented map.

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**Claim 8 (previously presented):** A tool as claimed in claim 1 wherein the base of the tool contains the real time rate of spread scale that is calibrated into a 30-minute time projection.

**Claim 9 (previously presented):** A tool as claimed in claim 1 wherein, in use, upon receipt of the real time rate of spread from an observation source, the real time projection from the current head of the fire is plotted.

**Claim 10 (previously presented):** A tool as claimed in claim 1 wherein, in use, the tool is used for multiple projections upon the same map, and selectively different colors are used for different projections.

**Claim 11 (previously presented):** A tool as claimed in claim 1 wherein the tool includes historical and real time rate of spread scales, and distance indicators to identify mileage.

**Claim 12 (previously presented):** A tool as claimed in claim 1 wherein on a long axis of the tool there are mileage markers.

**Claim 13 (currently amended):** A tool as claimed in claim 1 wherein there is a marker to gauge width, including at its center, a mileage marker indicating a predetermined distance in each direction from the centerline, and wherein in use the long axis is perpendicular to the a fire's width.

**Claim 14 (previously presented):** A tool as claimed in claim 1 wherein the tool contains at least one tip about which the tool is pivotable, the tip of the tool being blunted in shape, the shape being selected to reduce the tendency of breakage of the tip when the tool is used in a pivoting motion while identifying lateral fire spread upon the map.

**Claim 15 (previously presented):** A tool as claimed in claim 1 including at least one hole in the face of the tool, the holes being sized to accommodate a marker instrument.

**Claim 16 (previously presented):** A tool as claimed in claim 4 Including holes placed at Red Flag and Non Red Flag demarcations.

**Claim 17 (previously presented):** A tool as claimed in claim 1 wherein, in use, when at least one, and preferably three, time zones are marked, the tool is removed, and a straight edge of

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the tool is used to create a straight line by aligning the edge over the dots to permit the drawing of a straight line.

**Claim 18 (currently amended):** A tool as claimed in claim 1 including holes, spaced along mileage markers ~~one~~ on the tool at predetermined distance intervals for use when using multi-page maps.

**Claim 19 (previously presented):** A tool as claimed in claim 1 wherein a tool scale is employed to ensure a correlating map is used in conjunction with the tool.

**Claim 20 (previously presented):** A rate of spread tool comprising:

a selected geometrically shaped element;

at least one type of rate of spread scale, selectively being at least one of historical and real time, related on the surface of the element; and

wherein the historical rate of spread scale is based upon previous large-scale brushfires, and the real time scale utilizes GPS technology.

**Claim 21 (previously presented):** A tool as claimed in claim 20 wherein the delineation of defined time projections of fire spread is effected by dividing the shape into selected predetermined times zones, and wherein, in use, the tool is oriented so that text on the tool is readable for a fire moving in a predetermined direction.

**Claim 22 (previously presented):** A tool as claimed in claim 20 wherein the base of the tool contains the real time rate of spread scale that is calibrated into defined time projections, and wherein, in use, upon receipt of the real time rate of spread from an observation source, the real time projection from the current head of the fire is plotted.

**Claim 23 (previously presented):** A tool as claimed in claim 20 wherein the tool includes historical and real time rate of spread scales, and distance indicators to identify mileage.

**Claim 24 (previously presented):** A tool as claimed in claim 20 wherein there is a marker to gauge width, including at its center, a distance marker indicating a predetermined distance in each direction from the centerline, and wherein in use the long axis is perpendicular to the fire's width.

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**Claim 25 (previously presented):** A tool as claimed in claim 20 wherein the tool contains at least one tip about which the tool is pivotable, the tip of the tool being blunted in shape, the shape being selected to reduce the tendency of breakage of the tip when the tool is used in a pivoting motion while identifying lateral fire spread upon the map.

**Claim 26 (previously presented):** A tool as claimed in claim 20 including at least one hole in the face of the tool, the holes being sized to accommodate a marker instrument.

**Claim 27 (previously presented):** A tool as claimed in claim 20 wherein, in use, when at least one, and preferably three, time zones are marked.

**Claim 28 (previously presented):** A tool as claimed in claim 20 including holes, spaced along distance markers on the tool at predetermined distance intervals, and wherein a tool scale is employed to ensure a correlating map is used in conjunction with the tool.

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### **RESPONSE TO EXAMINER'S REJECTIONS**

Responsive to the Office Action mailed August 10, 2004, Applicant thanks the Examiner for her guidance and recognition that Claims 20-28 are allowed and that Claims 3-7, and 16 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims. In the present response, Applicant has amended Claims 1, 13, and 18. The Applicant has also provided responses concerning Claim 1.

#### **Claim Objections**

The Examiner has objected to Claims 13, 14, and 18 due to informalities. Per the Examiner's suggestion, Applicant has made the suggested changes and amended Claims 13 and 18. Furthermore, Applicant has amended Claim 1 to include reference to "a map", thus Claim 14, which is dependent on Claim 1, no longer lacks antecedent basis for "the map."

Therefore, it is respectfully submitted that all of the Examiner's objections have been overcome. Applicant respectfully requests that these objections be withdrawn and Claims 13, 14, and 18 be allowed.

#### **Claim Rejections under 35 U.S.C. §102 and 35 U.S.C. §103**

The Examiner has rejected Claims 1 and 8 under §102(a); Claims 1, 9-15, and 17-19 under §102(e); and Claim 2 under §103(a). Examiner has allowed Claims 20-28 and would allow Claims 3-7 and 16 if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

In light of these rejections and allowed subject matter, Applicant has amended independent Claim 1 to incorporate some of the subject matter of Claim 7. As stated above, the Examiner asserts she would allow Claim 7 if it was rewritten to include all the limitations of the base claim and intervening claims. Presently, Claim 7 only depends from Claim 1. Meaning, the Examiner would allow subject matter which encompasses Claim 1 and Claim 7 in a single, independent claim. Per the Examiner's suggestion, Applicant has amended Claim 1 to include some of the subject matter found in Claim 7. Consequently, this amendment places Claim 1